

"Here," I reply half worried and half relieved that I am at the beginning of the alphabet. I met Becky nervously midway across the room and receive the personal file on my mysterious camper.

Aha! I got a baby. The 14-month-old girl is blue-eyed Alicia Bounds. Oh, my goodness, I am certainly going to get a workout; she is 30 heavy pounds and can't walk. As I quickly and anxiously scan the rest of her file, I learn she is blind, 90 percent deaf, has no muscle control, and has a lot of other complications. It seems as if the list of disabilities goes on forever. I fear I am going to have a very challenging week.

But I can handle it. Last year I had a 9-year-old boy who had to be fed through tubes in his stomach. I'll never forget the night I was feeding him supper and his tubes eased out. The doctor had to insert the tubes back in, which wasn't the most pleasant procedure to witness.

It's about time Monday got here! I am on pins and needles with 50 other psychod counselors waiting for our campers to arrive. The moment I saw Alicia, my heart went out to her. Her eyes are bluer than blue, and her cute chubby cheeks are perfect for a Grandmother to pinch. Now my job begins. I am her so-called mother for a week. I bathe her, feed her, change her, comfort her, take her to arts and crafts, swimming, fishing, canoeing, music, and leisure. Alicia and I are going to be the best of pals for seven days. I can tell her parents are ready for a vacation, because her dad is giving signals to his wife to hurry up. I try to imagine the pain they have been through.

Alicia used to be the everyday normal child, until three months of age when she was diagnosed with having spinal meningitis. After all the treatment and medication, this is what has become of Alicia. She almost died during her illness, and sometimes even I wonder if it would have been better if she had.

First on "our" agenda was to take Alicia on a tour of the camp, ending with a dip in the pool. My ears are still ringing from her temper tantrum. I guess I would have been pretty scared too, if I were blind. But by the end of the week, she enjoyed cooling off in the water. Alicia absolutely adored the outdoors. We'd stay outside from dawn to dusk. She quickly soaked up a savage tan.

Oh, and how Alicia loved to be rocked. I pampered her as though she was my first born. Sure I got frustrated at times, as when she would cry for almost an hour straight. But I drew in three big breaths and counted to 10 very slowly.

Alicia learned to sense my nearness to her. She would become upset when she felt my absence. I was one of the few who could comfort her. I can still picture her first and only smile. I don't recall what I did, but I had tried so hard all week to change her facial expression. And finally, a little smile.

We had a ball that week. Alicia was certainly a handful. I feel for her parents; I only had seven days of it. They have it the other 358 days.

Each year I have a feeling of accomplishment. But this past year I believe was the most challenging and rewarding. The fact that I could communicate and show my affection to her successfully has been my most satisfying experience.

Mr. Speaker, as the long hours of our days pass by at a blistering pace often leaving us with a sense of being totally overwhelmed, we need only take a moment to look at individuals

such as Abbie Rogers or my daughter April, to put things in perspective and think in terms of what really is important—helping others. This can be done in many and varied ways, but I hope that at the end of the day, we in Congress share the sense of accomplishment that our efforts, though on a broader scale, are rooted in the very same goal, which is to help and serve the American people.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 1998

SPEECH OF

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 17, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MARTINEZ. Mr. Chairman, the amendment which Representative RIGGS offered to the Labor, Health and Human Services, Education and related agencies appropriations bill regarding the enforcement options available to the Department of Education pertaining to youth with disabilities in adult correctional facilities under the Individuals with Disabilities Education Act (IDEA) is an ill-advised and inopportune amendment. As a member of the bipartisan working group which developed the IDEA amendments of 1997, I am strongly opposed to this amendment, as it would contravene the carefully crafted bipartisan, bicameral legislation signed into law only 3 months ago.

The IDEA ensures that all children with disabilities receive a free appropriate public education. During the bipartisan negotiations on the IDEA amendments, several provisions were added to the statute to give States increased flexibility in serving the portion of disabled youth who are incarcerated in adult correctional facilities. These provisions are: Through State statute or Executive order a State may assign any public agency in the State responsibility for ensuring compliance with the obligation to provide a free appropriate public education to youth with disabilities incarcerated in adult prisons; States are permitted to exempt the participation of youth with disabilities incarcerated in adult prisons on State-wide assessments; States are permitted to exempt youth with disabilities whose eligibility under part B will end, because of their age, before they will be released from prison from transition planning; and States may modify a youth's individualized education plan or the act's provisions related to least restrictive environment if the State has demonstrated a bona fide security or compelling penological interest.

In addition to the exemption of these planning and administrative requirements which

will result in huge cost savings, States no longer have to serve those youth with disabilities, aged 18 through 21, who were not identified, or did not have an individualized education program, prior to their incarceration in an adult correctional facility. With these additional provisions there should be no obstacle to serving this population.

Despite the acceptance of these numerous provisions, Congressman RIGGS, having signed off on this deal during the bipartisan negotiations on this bill, has sought to reopen the debate over whether youth with disabilities in adult correctional facilities should be served purely due to political pressure from the Governor of our State, Governor Wilson of California. The Riggs amendment would reduce the enforcement options of the Department of Education under the statute, thereby completely contradicting the bipartisan manner used to craft the amendments. Section 616(a) of the statute provides two enforcement actions available for use by the Department to ensure that States serve youth with disabilities in adult correctional facilities: The withholding of a pro-rata share of Federal funding attributable to the population of youth with disabilities in adult correctional facilities and the referral of the matter for appropriate enforcement action, including referral to the Department of Justice. This amendment would limit the enforcement action available to the Department to only the reduction of funds thereby ensuring that many States would forgo the vital funds, and violate the act, to avoid serving this vulnerable population.

Throughout the exchange of debate over this issue both prior to and during floor consideration, Mr. RIGGS asserted that the Department is overstepping its bounds by considering which option, reduction of funds or referral to Justice, to use in enforcing compliance with the statute. As Members can see, this assertion is clearly false. The statute clearly provides for the Department to use either option in ensuring that this population will be served. I will remind Members that since the act requires that all children with disabilities, including those incarcerated in adult correctional facilities, receive a free appropriate public education, the Department is required to use every means at its disposal to enforce the law. Congress should not be in the practice of limiting the enforcement options, especially through the appropriations process, of this vital civil rights legislation. For too long, disabled individuals have been left without assurance of educational opportunity. Now is not the time to turn the clock back and lessen our commitment.

The process used to reauthorize the IDEA during the early portion of the 105th Congress was strongly bipartisan and produced legislation which received nearly unanimous support because Democrats and Republicans worked together. I am strongly disappointed that Mr. RIGGS has sought to mischaracterize and undermine the bipartisan process we used to craft this historic legislation through the statements he has made regarding this amendment.